

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-291

May 13, 1998

MAINE PUBLIC SERVICE COMPANY
Re: Special Rate Contract with Rock
Lumber Company - Portage Lake

ORDER APPROVING
SPECIAL RATE
CONTRACT

WELCH, Chairman; NUGENT and HUNT, Commissioners

SUMMARY OF DECISION

By this Order, the Commission approves Maine Public Service Company's Special Rate Contract with Rock Lumber Company for its mill in Portage Lake, Maine.

DISCUSSION

On April 6, 1998, Maine Public Service Company (MPS) filed a request for approval of a Special Rate Contract with Rock Lumber Company, a small sawmill, for its mill in Portage Lake, Maine. This filing was made pursuant to Section 4(C), Short-Term Contracts with Individual Customers, in the Partial Stipulation allowing flexible pricing ("Flexible Pricing Plan"), approved by the Commission on August 7, 1995, in Docket No. 95-052.

Service to Rock Lumber's Portage Lake mill has been provided under a series of one-year contracts pursuant to Rate C Special Terms and Conditions allowing year-to-year contracts to certain small commercial and industrial customers, approved by the Commission in Docket No. 93-236. In the Commission's Order in Docket No. 97-283 (Special Contract with Rock Lumber Company - Nashville Plantation), the Commission encouraged MPS to file future flexible pricing contracts under the more current requirements of the Flexible Pricing Plan. Accordingly, the contract filed herein contains terms identical to those of Rock Lumber's most recent Rate C contract and extends that contract until February 29, 2000, but is filed pursuant to Docket No. 95-052.

We have reviewed the Company's filing associated with this contract and find that it does not conform to one of the eligibility requirements of the Flexible Pricing Plan. Specifically, the filing does not signal the intent to provide notice to competitors of Rock Lumber, as specified in Section 8 of the Plan. The filing states that all other small sawmills in MPS's service territory are already subject to Special Rate C contracts or short-term contracts whose price and terms are

identical to Rock Lumber's contract and that the notice is therefore not required. We agree that all competitors of Rock Lumber have been made adequately aware of their ability to receive a one-year contract under Rate C and that the intent of the notification requirement in the flexible pricing plan has been met.

We find that the filing conforms to the eligibility requirements of the Flexible Pricing Plan in all other regards.

When a special rate contract does not conform to all eligibility requirements, the Flexible Pricing Plan requires that the Commission make its final determination of approval for the contract within four months of MPS's initial filing of the contract.

Because the contract conforms to all eligibility requirements except for one, and because MPS accomplishes the deficient requirement through another means, we will allow this contract to go into effect as of the date of this Order.

Accordingly, we

O R D E R

That the contract between Maine Public Service Company and Rock Lumber Company of Portage Lake filed on April 6, 1998, is approved and shall take effect on the date of this Order.

Dated at Augusta, Maine this 13th day of May, 1998

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.